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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9
10 LAUREN KETTELL,

Case No. 3:12-cv-00297 HDM-WGC

11
12 Plaintiff,

**AMENDED JOINT STIPULATED
DISCOVERY PLAN AND SCHEDULING
ORDER TO EXTEND TIME(First Request)**

13 vs.

14 WASHOE COUNTY DEPUTY
15 BRENT COSS,

16 Defendant.
17

18 The parties by and through their undersigned counsel, Terri Keyser-Cooper for plaintiff Lauren
19 Kettell and David Creekman, Assistant District Attorney of the Washoe County District Attorney's
20 Office, in compliance with the requirements of Rule 26-1(e) of the Local Rules of Practice of the
21 United States District Court for the District of Nevada hereby submit an Amended Joint Stipulated
Discovery Plan and Scheduling Order (First Request).

22 **REASONS FOR THE EXTENSION OF TIME**

23 The discovery plan is being amended to allow for a four month extension of time of discovery
24 and related dates due to a motion for Protective Order being filed by plaintiff's counsel this week and
25 to allow for anticipated experts that may be necessary following a decision by the court on the
26 protective order. In addition, plaintiff's counsel has a vacation to Europe planned for April 8, 2013
27 through and including May 10, 2013 which has been arranged for months and is prepaid. Finally
28 defendant's counsel has determined the best time for additional depositions, in accordance with his

1 schedule, is the last week in March 2013 and plaintiff has additional witnesses to depose. Since the
2 current discovery cutoff date is April 10, 2013, there is insufficient time for the motion cycle to run, the
3 depositions to be taken, the experts to be identified and their reports prepared.

4 **DISCOVERY COMPLETED AND REMAINING**

5 Plaintiff has taken seven depositions thus far, tendered three sets of Requests for Production of
6 Documents, one set of Interrogatories, and Initial Disclosures with three sets of supplements.
7 Defendant has identified his depositions for the last week of March, tendered one set of Requests for
8 Production of Documents, two sets of Interrogatories, and Initial Disclosures.

9 The parties have met and conferred concerning the remaining discovery. It is anticipated that
10 plaintiff will finalize her questions to defendant and take the additional deposition of Wendy Jason.
11 Defendant will take the deposition of plaintiff and possibly some or all of her doctors. Additional
12 depositions may be necessary depending on the outcome of the Motion for Protective Order to be filed
13 this week and whether or not experts are named. Until the depositions of defendant and plaintiff are
14 taken, it is unclear whether experts will be necessary. The parties are hopeful to have as much
15 information as possible to evaluate the case before the naming of experts, to conserve resources and
16 streamline costs.

17 **PROPOSED AMENDED DISCOVERY PLAN AND SCHEDULING ORDER**

18 1. **Meeting:** Pursuant to FRRCP 26(f) and LR 26-1(a), counsel for the parties met via
19 telephone on February 28, 2013. They compromised on a four month extension of time because it is
20 believed by that time the court will have had sufficient opportunity to decide the soon-to-be-filed
21 Motion for a Protective Order which will clarify the remaining discovery.

22 2. **Discovery Cut-Off Date:** The parties propose that discovery cut-off be extended by
23 four months. The former discovery cut-off was April 10, 2013. The amended discovery cut-off is
24 **August 10, 2013.**

25 3. **Amendment of Pleadings and Adding Parties:** No changes necessary. It is not
26 anticipated that either party will move to amend pleadings or add additional parties.

27 4. **Discovery of Experts:** Pursuant to L.R. 26-1(e)(3) the disclosure of experts required
28 by Rule 26(a)(2) of the Federal Rules of Civil Procedure shall be made not less than sixty (60) days
prior to the completion of discovery. Since discovery will be closed on August 10, 2013, the initial
disclosures of experts in this case shall be completed on or before **June 10, 2013.** The disclosure of
rebuttal experts shall be made no later than thirty (30) days prior to the completion of discovery. Thus,

disclosure of rebuttal experts shall be completed by **July 10, 2013**.

5. Interim Status Report. Pursuant to L.R. 26-3, the due date for the Interim Status Report is agreed not to be later than sixty (60) days before the discovery cut-off date. Since the discovery cut-off date is August 10, 2013, the Interim Status Report shall be filed on **June 10, 2013**.

6. Dispositive Motions: Pursuant to L.R. 26-1(e)(4), dispositive motions, including motions brought under Rule 12 and Rule 56 of the Federal Rules of Civil Procedure, shall be filed and served not later than thirty (30) days after close of discovery. Dispositive motions in this case shall be filed and served on or before **September 10, 2013**.

7. Pretrial Order: Pursuant to L.R. 26-1(e)(5), the joint pretrial order shall be filed not less than thirty (30) days after the date set for the filing of dispositive motions. Therefore, the joint pretrial order in this case shall be filed on or before **October 10, 2013**. This deadline is suspended if a dispositive motion is filed.

8. Disclosure of Materials for Trial Preparation: Pursuant to L.R. 26-1(e)(6), all disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure and any objections thereto, shall be included in the Joint Pretrial Order required to be filed thirty (30 days) after the filing of dispositive motions, in this case on or before **October 10, 2013**. This deadline is suspended if a dispositive motion is filed.

9. Extension and Reopening of Discovery: Pursuant to L.R. 26-4, an extension of the discovery deadline of August 10, 2013, or the reopening of discovery after that date will not be allowed without showing a good cause why all discovery was not completed within the time allotted by this Discovery Plan and Scheduling Order. All initial motions or stipulations to extend discovery shall be received by the court at least (20) days prior to the date fixed for the completion of discovery, and such motions or stipulations shall be received by the court on or before **July 22, 2013**. Subsequent or additional motions or stipulations to extend the time for discovery shall be received by the court at least twenty (20) days prior to the expiration of any other extension of discovery that may have been approved by the court. The motion or stipulation shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why discovery remaining was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all remaining discovery.

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2 Dated this 7th day of March, 2013

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4 /s/ Terri Keyser-Cooper
TERRI KEYSER-COOPER
5 *Attorney for Plaintiff Lauren Kettell*

6 /s/ David C. Creekman
DAVID CREEKMAN
7 *Attorney for Defendant Brent Coss*

8
9 **IT IS SO ORDERED**

10
11 U.S. MAGISTRATE JUDGE

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13 Dated: _____